

Dear Senator Gaffey, Representative Fleischmann and esteemed members of the Education Committee,

My name is Karina Primavera, and I would like to voice my strong opposition to Section 3 of Raised House Bill #5425, which shifts the burden of proof at special education due process hearings to the party requesting the hearing.

As a parent of two children with Special Needs, I am deeply concerned about the potential injustices that Section 3 could create against families trying to gain access to the services they deserve. I hope that I am never in a situation where I would need to initiate due process with my school district, but if the need should arise I want to be assured that the process is a fair one. School districts are inherently at an unfair advantage in that they have ultimate control over the entire process, from the staff members to all the testing and other information upon which decisions are made. Districts also have virtually unlimited access to experts and high-powered legal representation – all at taxpayer expense.

Placing the burden of proof on the party requesting the special education hearing would only exacerbate this imbalance of power, as in most instances it is the parents who are making the request; districts typically have no reason to initiate due process since they have ultimate control over service delivery and can simply withhold services. Due process hearings would become even more costly, accessible only to the most wealthy, and also unfair – ultimately depriving students of their right to an appropriate education.

Unless you are a parent of a child with significant special needs, there is no way to know the pressures we feel every single day regarding our children's educational programs. For students like my sons, receiving an appropriate education will likely make the difference between her living a maximally independent, productive life and being dependent on state- and federally-funded services. Although it would in no way level the playing field in due process hearings, please at least give families a more equitable opportunity to exert their due process rights. **Please delete Section 3 from Raised House Bill Number 5425.**

Thank you very much for your consideration.

Regards,
Karina Primavera.